

2.1 - Japanese Americans and Aleuts Incarceration Constitutional Violations

Examples

The Asian American Education Project

Note: Not one Japanese American was ever convicted for spying for Japan against the US.

Rights Protected or Guaranteed under the Amendment	Examples of Violations from Japanese American and Aleuts Incarceration
1st - Freedom of speech, the press, religion, assembly, and petition	• Newspapers were censored in the camps, and public meetings were required to use English. • Those who expressed and demanded redress in the camps were sent to isolation camps with harsher conditions. • Shintoism was banned and Buddhism was significantly restricted; Christianity was instead promoted.
4th - Freedom from unreasonable and unlawful search and seizure of property	• Japanese Americans homes were searched without warrants and their property confiscated. • Aleuts homes were burnt to the ground. • Japanese Americans and Aleuts were incarcerated based on their ethnicity rather than legitimate suspicion of criminal activity.
5th – Prohibits a person from answering for a crime, without legal procedure. Persons cannot be denied due process of law	• Incarceration: They were not given trials prior to incarceration, and once incarcerated, they were not provided a legal process or legal remedy to end their incarceration. • Loss of Property: They were also not given any legal protections or mechanisms to prevent their loss of property, which was taken away or claimed by other individuals when they were rounded up and sent to camps.
6th - Right to a lawyer	• They were denied the ability to get lawyers and challenge their incarceration.
8th - Right to reasonable bail and freedom from cruel and unusual punishment	• The conditions of the camps were extremely poor. For example, they had inadequate food, heating during the winter, and medical care. • Young children were incarcerated.
13th - Freedom from slavery and involuntary servitude	• Many Japanese Americans were coerced into providing agricultural labor at the camps and even threatened with \$20/month fines if they did not comply.
14th - Right to equal protection	• They were not given equal protection and were singled out based on race and ethnicity and deprived of their liberty.
15th - Right to vote	• Those who were U.S. citizens were not able to participate in voting because they were incarcerated and were not provided the opportunity for absentee voting.

Students and instructors may view the following resource from San Francisco State University for a more detailed discussion of constitutional violations:

http://online.sfsu.edu/jaintern/rightsviolated.html?fbclid=IwAR36nLE_p1J7RHPA7ejNFooE1hwSlazSu6_JCgxiHNdxpxSXt-v3_tR-nw